

CITY OF BURIEN, WASHINGTON

ORDINANCE NO. 545

AN ORDINANCE OF THE CITY OF BURIEN, WASHINGTON, REPEALING TITLE 18 AND AMENDING TITLE 19 OF THE BURIEN MUNICIPAL CODE RELATED TO ZONING, PROVIDING FOR SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, in February, 1993, the City of Burien adopted an interim zoning code codified as Burien Municipal Code Title 18, establishing interim zoning regulations for the City of Burien; and

WHEREAS, in June, 1999, the City of Burien adopted a new zoning code codified as Burien Municipal Code Title 19, establishing new zoning regulations for the City of Burien; and

WHEREAS, the City desires to combine BMC Titles 18 and 19 into a single zoning code, eliminate redundancies between the two Titles, and eliminate unused portions of Title 18; and

WHEREAS, the Planning Commission held a public hearing to receive public comments on May 25, 2010 and recommended approval of the proposed amendments; and

WHEREAS, the City Council has received recommendations from the Planning Commission regarding the proposed amendments; and

WHEREAS, the SEPA Responsible Official issued a Determination of Non-Significance on July 12, 2010; and

WHEREAS, the City Council held a public meeting on July 19, 2010 to review and discuss the proposed amendments.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1: Amendments to BMC Title 19. The City Council of the City of Burien hereby amends BMC Title 19 as set forth in Exhibit A, which is attached hereto and is incorporated herein by this reference.

Section 2: Repeal of BMC Title 18. The City Council of the City of Burien hereby repeals BMC Title 18.

Section 3: Severability. Should any section, subsection, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 4: Savings. The enactments of this ordinance shall not affect any case, proceeding, appeal or other matter currently pending in any court or in any way modify any right or liability, civil or criminal, which may be in existence on the effective date of this ordinance.

Section 5: Effective Date. This ordinance shall be published in the official newspaper of the City and shall take effect and be in full force five (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THIS 2ND DAY OF AUGUST, 2010, AND SIGNED IN AUTHENTICATION OF ITS PASSAGE THIS 2ND DAY OF AUGUST, 2010.

CITY OF BURIEN

/s/ Joan McGilton, Mayor

ATTEST/AUTHENTICATED:

/s/ Monica Lusk, City Clerk

Approved as to form:

/s/ Craig Knutson, City Attorney

Filed with the City Clerk: August 2, 2010

Passed by the City Council: August 2, 2010

Ordinance No. 545

Date of Publication: August 5, 2010

ORDINANCE 545—EXHIBIT A

Chapter 18.15

~~DEFINITIONS—TECHNICAL TERMS~~

~~18.15.005 Scope of chapter.~~ (NOT NEEDED IN BMC 19)

~~This chapter contains definitions of technical and procedural terms used throughout the code. See Chapter 18.20 BMC, Land Use Definitions, for definitions of land uses shown in Chapter 18.25 BMC. See Chapter 18.05 BMC, Authority, Purpose, Interpretation and Administration, for rules on interpretation of the code, including use of these definitions. Development standards are found in Chapters 18.30 through 18.95 BMC. [Ord. 28 § 1(39), 1993]~~

~~18.15.010 Definitions—Generally.~~ (NOT NEEDED IN BMC 19)

~~For the purpose of interpreting the provisions of this title, certain terms or words used herein are defined in this chapter. [Ord. 28 § 1(40), 1993]~~

~~18.15.020 Agricultural products.~~ (NOT USED)

~~“Agricultural products” means items resulting from the practice of agriculture, including crops such as fruits, vegetables, grains, seed, feed and plants, or animal products such as eggs, milk and meat. [Ord. 28 § 1(40), 1993]~~

~~18.15.025 Alley.~~ (ALREADY IN BMC 19)

~~“Alley” means an improved thoroughfare or right of way, whether public or private, usually narrower than a street, that provides vehicular access to an interior boundary of one or more lots, and is not designed for general traffic circulation. [Ord. 28 § 1(40), 1993]~~

~~18.15.100 Building facade.~~ (ALREADY IN BMC 19)

~~“Building facade” means that portion of any exterior elevation of a building extending from the grade of the building to the top of the parapet wall or eaves, for the entire width of the building elevation. [Ord. 28 § 1(40), 1993]~~

~~18.15.102 Building footprint.~~ (ALREADY IN BMC 19)

~~“Building footprint” means the exterior outline of a structure where it meets the earth. [Ord. 103 § 1, 1994; Ord. 28 § 1(40), 1993]~~

~~18.15.110 Calculated LOS.~~

19.10.051.5 Calculated LOS—means a A quantitative measure of traffic congestion identified by a declining letter scale (A – F) as calculated by the methodology contained in the 1985 Highway Capacity Manual Special Report 209 or as calculated by another method approved by the department. LOS “A” indicates free flow of traffic with no delays while LOS “F” indicates jammed conditions or extensive delay. [Ord. 28 § 1(40), 1993]

~~18.15.115 Capacity.~~ (NOT NEEDED—RELATED TO SCHOOL CONCURRENCY)

~~“Capacity” means the number of students a school district’s facilities can accommodate district-wide, the volume a street or utility can adequately accommodate, based on the district’s, city’s or utility’s standard of service, as determined by the school district, city or utility. [Ord. 28 § 1(40), 1993]~~

~~18.15.120 Capital facilities plan.~~

19.10.053 Capital facilities plan-- means A district’s, city’s, or utility’s facilities plan adopted by the school board, city council or utility board consisting of:

- (1) A forecast of future needs for facilities based on adopted projections;
- (2) The long-range construction and capital improvements projects of the district, city or utility;
- (3) The schools, streets or utilities under construction or expansion;
- (4) The proposed locations and capacities of expanded or new facilities;
- (5) At least a six-year financing plan component, updated as necessary to maintain at least a six-year forecast period, for financing needed facilities within projected funding levels, and identifying sources of financing for such purposes, including bond issues authorized by the voters and projected bond issues not yet authorized by the voters;
- (6) Any other long-range projects planned by the district, city or utilities.
- (7) The current capacity of facilities based on the districts, city’s or utility’s adopted standard of service, and a plan to eliminate existing deficiencies, if any, without the use of impact fees; and
- (8) An inventory showing the location and capacity of existing facilities. [Ord. 28 § 1(40), 1993]

~~18.15.125 Classrooms.~~ (NOT NEEDED—RELATED TO SCHOOL CONCURRENCY)

~~“Classrooms” means educational facilities of the district required to house students for its basic educational program. The classrooms are those facilities the district determines are necessary to best serve its student population. Specialized facilities as identified by the district, including but not limited to gymnasiums, cafeterias, libraries, administrative offices and child care centers, shall not be counted as classrooms. [Ord. 28 § 1(40), 1993]~~

~~18.15.130 Clearing.~~ (NOT USED)

~~“Clearing” means the limbing, pruning, trimming, topping, cutting or removal of vegetation or other organic plant matter by physical, mechanical, chemical or other means. [Ord. 28 § 1(40), 1993]~~

~~18.15.140 Cogeneration.~~ (NOT NEEDED)

~~“Cogeneration” means the sequential generation of energy and useful heat from the same primary source or fuel for industrial, commercial or residential heating or cooling purposes. [Ord. 28 § 1(40), 1993]~~

~~18.15.145 Compensatory storage.~~ (NOT NEEDED)

~~“Compensatory storage” means new, excavated storage volume equivalent to any flood storage which is eliminated by filling or grading within the floodplain. For the purpose of this definition, equivalent flood storage capacity is that which is replaced by equal volume between corresponding one foot contour intervals which are hydraulically connected to the floodway through their entire depth. [Ord. 28 § 1(40), 1993]~~

~~18.15.165 Construction cost per student.~~ (NOT NEEDED—RELATED TO SCHOOL CONCURRENCY)

~~“Construction cost per student” means the estimated cost of construction of a permanent school facility in the district for the grade span of school to be provided, as a function of the district’s design standard per grade span and taking into account the requirements of students with special needs. [Ord. 28 § 1(40), 1993]~~

~~18.15.190 Department.~~

19.10.109 Department--~~“Department” means~~†The city of Burien department of community development. [Ord. 28 § 1(40), 1993]

~~18.15.195 Facilities standard.~~ (NOT NEEDED—RELATED TO SCHOOL CONCURRENCY)

~~“Facilities standard” means the space required, by grade span and taking into account the requirements of students with special needs, which is needed in order to fulfill the educational goals of the school district as identified in the district’s capital facilities plan. [Ord. 28 § 1(40), 1993]~~

~~18.15.200 Developer.~~ (NOT NEEDED—RELATED TO SCHOOL CONCURRENCY)

~~“Developer” means the person or entity who owns or holds purchase options or other development control over property for which development activity is proposed. [Ord. 28 § 1(40), 1993]~~

~~18.15.205 Development activity.~~ (NOT NEEDED—RELATED TO SCHOOL CONCURRENCY)

~~“Development activity” means any construction or expansion of a building, structure or use, any change in use of a building or structure, or any change in the use of land that creates additional demand for school, street, utility or other public facilities. [Ord. 28 § 1(40), 1993]~~

~~18.15.215 Development proposal.~~

19.10.109.3 Development proposal--Any activities requiring a permit or other approval from the city of Burien relative to the use or development of land. [Ord. 28 § 1(40), 1993]

~~18.15.220 Development proposal site.~~

19.10.109.5 Development proposal site--The legal boundaries of the parcel or parcels of land for which an applicant has or should have applied for authority from the city of Burien to carry out a development proposal. [Ord. 28 § 1(40), 1993]

~~18.15.225 Development standards.~~

19.10.109.7 Development standards—Until otherwise amended by the city council, development standards for streets, roads, parks, open space, trails, utilities or other public improvements shall be those of King County; including King County’s Shoreline Master Program. [Ord. 28 § 1(40), 1993]

~~18.15.230 Direct traffic impact.~~

19.10.109.8 Direct traffic impact--Any increase in vehicle traffic generated by a proposed development which equals or exceeds 10 peak hour, peak direction vehicle trips on any roadway or intersection. [Ord. 28 § 1(40), 1993]

~~18.15.240 Department.~~ (REDUNDANT WITH DEFINITION ABOVE)

~~The city of Burien department of community development. [Ord. 28 § 1(40), 1993]~~

~~18.15.255 Elderly.~~ (NOT NEEDED—RELATED TO SCHOOL CONCURRENCY)

~~“Elderly” means a person aged 62 or older. [Ord. 28 § 1(40), 1993]~~

~~18.15.290 Factory-built commercial building.~~ (NOT NEEDED—RELATED TO SCHOOL CONCURRENCY)

~~“Factory-built commercial building” means any structure that is either entirely or substantially prefabricated or assembled at a place other than a building site; and designed or used for nonresidential human occupancy. [Ord. 28 § 1(40), 1993]~~

~~18.15.375 Grade span.~~ (NOT NEEDED—RELATED TO SCHOOL CONCURRENCY)

~~“Grade span” means the categories into which a district groups its grades of students; i.e., elementary, middle or junior high school, and high school. [Ord. 28 § 1(40), 1993]~~

~~18.15.415 Improved public roadways.~~

19.10.286 Improved public roadways--Public road rights-of-way that have been improved with at least two travel lanes and are maintained by either the city of Burien, King County or the state of Washington. [Ord. 28 § 1(40), 1993]

~~18.15.420 Landscaping.~~ (ALREADY IN BMC 19)

~~“Landscaping” means live vegetative materials required for a development. Said materials provided along the boundaries of a development site are referred to as perimeter landscaping. Landscaping provided on the remainder of the site is referred to as interior landscaping. [Ord. 28 § 1(40), 1993]~~

~~18.15.463 Lot, corner.~~

19.10.329 Lot, corner--A lot abutting upon two or more streets at their intersections, or upon two parts of the same street, such streets or parts of same street forming an interior angle of less than 135 degrees within the lines. Corner lots have two street frontages, primary and secondary. The primary street shall be the one that the building is primarily oriented to. [Ord. 103 § 1, 1994; Ord. 28 § 1(40), 1993]

~~18.15.465 Lot line, interior.~~ (ALREADY IN BMC 19)

~~“Interior lot line” means lot lines that delineate property boundaries along those portions of the property which do not abut a street. [Ord. 28 § 1(40), 1993]~~

~~18.15.525 Open-work fence.~~

19.10.387 Open-work fence--A fence in which the solid portions are evenly distributed and constitute no more than 50 percent of the total surface area. [Ord. 28 § 1(40), 1993]

~~18.15.535 Park service area.~~ (NOT USED)

~~“Park service area” means established by the department, within which the dedications of land and fees received from new residential developments for the benefit of residents within such service area. [Ord. 28 § 1(40), 1993]~~

~~18.15.560 Party of record (POR).~~ (ALREADY DESCRIBED IN BMC 19.65)

~~“Party of record (POR)” means a person who has submitted written comments, testified, asked to be notified or is the sponsor of a petition entered as part of the official city record on a specific development proposal. [Ord. 28 § 1(40), 1993]~~

~~18.15.565 Peak hour.~~

19.10.395.3 Peak hour--The hour during the morning or afternoon when the most critical level of service occurs for a particular roadway or intersection. [Ord. 28 § 1(40), 1993]

~~18.15.570 Permanent school facilities.~~ (NOT NEEDED—RELATED TO SCHOOL CONCURRENCY)

~~“Permanent school facilities” means facilities of a school district with a fixed foundation which are not relocatable facilities. [Ord. 28 § 1(40), 1993]~~

~~18.15.575 Planning and community development director.~~ (ALREADY IN BMC 19)

~~“Planning and community development director” means the director of the city of Burien department of community development. [Ord. 28 § 1(40), 1993]~~

~~18.15.580 Plant associations of infrequent occurrence.~~ (NOT USED)

~~“Plant associations of infrequent occurrence” means one or more plant species of a landform type which does not often occur in King County because of the rarity of the habitat and/or the species involved or for other botanical or environmental reasons. [Ord. 28 § 1(40), 1993]~~

~~18.15.585 Private.~~

~~19.10.403 Private--Solely or primarily for the use of residents or occupants of the premises; e.g., a noncommercial garage used solely by residents or their guests is a private garage. [Ord. 28 § 1(40), 1993]~~

~~18.15.605 Recreational vehicle (RV).~~ (NOT USED)

~~“Recreational vehicle (RV)” means a vehicle designed primarily for recreational camping, travel or seasonal use which has its own motive power or is mounted on or towed by another vehicle, including but not limited to:~~

- ~~(1) Travel trailer;~~
- ~~(2) Folding camping trailer;~~
- ~~(3) Park trailer;~~
- ~~(4) Truck camper;~~
- ~~(5) Park trailer;~~
- ~~(6) Motor home; and~~
- ~~(7) Multi-use vehicle. [Ord. 28 § 1(40), 1993]~~

~~18.15.610 Recyclable material.~~

~~19.10.443 Recyclable material--A nontoxic, recoverable substance that can be re-processed for the manufacture of new products. [Ord. 28 § 1(40), 1993]~~

~~18.15.625 Relocatable facility.~~ (NOT NEEDED—RELATED TO SCHOOL CONCURRENCY)

~~“Relocatable facility” means any factory-built structure, transportable in one or more sections that is designed to be used as an education space and is needed to prevent the overbuilding of school facilities, to meet the needs of service areas within a district or to cover the gap between the time that families move into new residential developments and the date that construction is completed on permanent school facilities. [Ord. 28 § 1(40), 1993]~~

~~18.15.630 Relocatable facilities cost per student.~~ (NOT NEEDED—RELATED TO SCHOOL CONCURRENCY)

~~“Relocatable facilities cost per student” means the estimated cost of purchasing and siting a relocatable facility in a school district for the grade span of school to be provided, as a function of the district’s design standard per grade span and taking into account the requirements of students with special needs. [Ord. 28 § 1(40), 1993]~~

~~18.15.635 Relocation facilities.~~ (NOT NEEDED—RELATED TO SCHOOL

CONCURRENCY)

~~“Relocation facilities” means housing units within the city of Burien that provide housing to persons who have been involuntarily displaced from other housing units within the city of Burien as a result of conversion of their housing unit to other land uses. [Ord. 28 § 1(40), 1993]~~

~~18.15.660 School district.~~ (NOT NEEDED—RELATED TO SCHOOL CONCURRENCY)

~~“School district” means any school district in the city of Burien whose boundaries include incorporated areas of the city. [Ord. 28 § 1(40), 1993]~~

~~18.15.685 Shelters for temporary placement.~~ (NOT NEEDED—RELATED TO SCHOOL CONCURRENCY)

~~“Shelters for temporary placement” means housing units within the city of Burien that provide housing to persons on a temporary basis for a duration not to exceed four weeks. [Ord. 28 § 1(40), 1993]~~

~~18.15.775 Site cost per student.~~ (NOT NEEDED—RELATED TO SCHOOL CONCURRENCY)

~~“Site cost per student” means the estimated cost of a site in the district for the grade span of school to be provided, as a function of the district’s design standard per grade span and taking into account the requirements of students with special needs. [Ord. 28 § 1(40), 1993]~~

~~18.15.785 Special use permit.~~ (NOT NEEDED IN BMC 19)

~~“Special use permit” means a permit granted by the city to locate a regional land use at a particular location, subject to conditions placed on the proposed use to ensure compatibility with adjacent land uses. [Ord. 28 § 1(40), 1993]~~

~~18.15.795 Standard of service.~~ (NOT NEEDED—RELATED TO SCHOOL CONCURRENCY)

~~“Standard of service” means the standard adopted by each school district which identifies the program year, the class size by grade span and taking into account the requirements of students with special needs, the number of classrooms, the types of facilities the district believes will best serve its student population, and other factors as identified by the school district. The district’s standard of service shall not be adjusted for any portion of the classrooms housed in relocatable facilities which are used as transitional facilities or for any specialized facilities housed in relocatable facilities. Except as otherwise defined by the school board pursuant to a board resolution, transitional facilities shall mean those facilities that are used to cover the time required for the construction of permanent facilities; provided that, the “necessary financial commitments” as defined in Chapter [18.70](#) BMC are in place to complete the permanent facilities called for in the capital plan. [Ord. 28 § 1(40), 1993]~~

~~18.15.820 Street frontage.~~ (ALREADY IN BMC 19)

~~“Street frontage” means any portion of a lot or combination of lots which directly abut a public~~

~~right-of-way. [Ord. 28 § 1(40), 1993]~~

~~18.15.830 Student factor.~~ (NOT NEEDED—RELATED TO SCHOOL CONCURRENCY)

~~“Student factor” means the number derived by a school district to describe how many students of each grade span are expected to be generated by a dwelling unit. Student factors shall be based on district records of average actual student generated rates for new developments constructed over a period of not more than five years prior to the date of the fee calculation; if such information is not available in the district, data from adjacent districts, districts with similar demographics, or county wide averages must be used. Student factors must be separately determined for single family and multifamily dwelling units, and for grade spans. [Ord. 28 § 1(40), 1993]~~

~~18.15.845 Temporary use permit.~~ (NOT NEEDED)

~~“Temporary use permit” means permit to allow a use of limited duration and/or frequency, or to allow multiple related events over a specified timeframe. [Ord. 28 § 1(40), 1993]~~

~~18.15.850 Tightline to a sewer.~~ (NOT NEEDED NO LONGER USED IN CODE)

~~A sewer trunk line designed and intended specifically to serve only a particular facility or place, and whose pipe diameter should be sized appropriately to ensure service only to that facility or place. It may occur outside the local service area for sewers, but does not amend the local service area. [Ord. 28 § 1(40), 1993]~~

~~18.15.860 Transitional housing facilities.~~ (NOT NEEDED—RELATED TO SCHOOL CONCURRENCY)

~~“Transitional housing facilities” means housing units within the city of Burien owned by public housing authorities, nonprofit organizations or other public interest groups that provide housing to persons on a temporary basis for a duration not to exceed 24 months in conjunction with job training, self sufficiency training, and human services counseling; the purpose of which is to help persons make the transition from homelessness to placement in permanent housing. [Ord. 28 § 1(40), 1993]~~

~~18.15.880 Transportation System Management (“TSM”).~~ (NOT USED)

~~“Transportation System Management (“TSM”)” means low cost projects that can be implemented in a short time frame designed to increase the efficiency of existing transportation facilities. This also includes transit and/or ride sharing measures to decrease single occupancy vehicle trips. [Ord. 28 § 1(40), 1993]~~

~~18.15.885 Ultimate roadway section.~~

~~19.10.547 Ultimate roadway section--A designation by the city of Burien that the maximum roadway or intersection capacity has been reached and further right-of-way acquisition and/or improvements are not feasible to increase peak hour vehicle capacity. [Ord. 28 § 1(40), 1993]~~

~~18.15.905 Vegetation.~~

~~19.10.557 Vegetation--Any and all plant life growing at, below or above the soil surface. [Ord. 28 § 1(40), 1993]~~

~~**18.15.930 Wetland, forested.** (NOT USED)~~

~~“Forested wetland” means a wetland which is characterized by woody vegetation at least 20 feet tall. [Ord. 28 § 1(40), 1993]~~

~~**18.15.950 Wetpond.** (NOT USED)~~

~~“Wetpond” means an artificial water body constructed as a part of a surface water management system. [Ord. 28 § 1(40), 1993]~~

~~**Chapter 18.20**~~

~~**LAND USE DEFINITIONS**~~

~~**18.20.005 Scope of chapter.** (NOT NEEDED)~~

~~This chapter contains definitions of land uses listed on the tables in Chapter 18.25 BMC, Permitted Uses. The definitions in this chapter supplement those in the Standards Industrial Classification Manual (“SIC”). See Chapter 18.05 BMC, Authority, Purpose, Interpretation and Administration for rules on interpretation of the code, including use of these definitions and the SIC. Other important words and phrases used in the code are defined in Chapter 18.15, Definitions — Technical Terms. [Ord. 28 § 1(227), 1993]~~

~~**18.20.010 Definitions — Generally.** (NOT NEEDED)~~

~~The words or phrases in this chapter are provided as a supplement to definitions provided in the Standard Industrial Classification Manual. [Ord. 28 § 1(228), 1993]~~

~~**18.20.020 Accessory use, commercial/industrial.** (NOT NEEDED—PART OF “ACCESSORY” DEFINITION IN BMC 19)~~

~~“Commercial/industrial accessory use” means:~~

~~(1) A use that is subordinate and incidental to a commercial or industrial use; including, but not limited to the following uses:~~

~~(a) Administrative offices;~~

~~(b) Employee exercise facilities;~~

~~(c) Employee food service facilities;~~

~~(d) Incidental storage of raw materials and finished products sold or manufactured on-site;~~

~~(e) Business owner or caretaker residence;~~

~~(f) Cogeneration facilities; and~~

~~(g) Ground maintenance facilities.~~

~~(2) Some accessory uses within the scope of this section may be defined separately to enable the code to apply different conditions of approval. [Ord. 28 § 1(228), 1993]~~

~~18.20.025 Accessory use, residential.~~ (ALREADY IN BMC 19)

~~“Residential accessory use” means:~~

~~(1) A use, structure or activity which is subordinate and incidental to a residence including, but not limited to the following uses:~~

~~(a) Accessory living quarters and dwellings;~~

~~(b) Fallout/bomb shelters;~~

~~(c) Keeping household pets;~~

~~(d) On-site rental office;~~

~~(e) Pools, private docks, piers;~~

~~(f) Antennas for private telecommunication services;~~

~~(g) Storage of yard maintenance equipment; or~~

~~(h) Storage of private vehicles, e.g., motor vehicles, boats, trailers or planes.~~

~~(2) Some accessory uses within the scope of this section may be defined separately to enable the code to apply different conditions of approval. [Ord. 28 § 1(228), 1993]~~

~~18.20.030 Accessory use, resource.~~ (NOT NEEDED—RESOURCE USES NOT ALLOWED)

~~“Resource accessory use” means:~~

~~(1) A use, structure, or part of a structure, which is customarily subordinate and incidental to a resource use including, but not limited to the following uses:~~

~~(a) Housing of agricultural workers; or~~

~~(b) Storage of agricultural products or equipment used on site.~~

~~(2) Some accessory uses within the scope of this section may be defined separately to enable the code to apply different conditions of approval. [Ord. 28 § 1(228), 1993]~~

~~18.20.050 Airport/heliport.~~ (NOT USED)

~~“Airport/heliport” means any runway, landing area or other facility which is designed or used by both public carriers or private aircraft for the landing and taking off of aircraft, including:~~

~~(1) Taxiways;~~

- (2) Aircraft storage and tie-down areas;
- (3) Hangars;
- (4) Servicing; and
- (5) Passenger and air freight terminals. [Ord. 28 § 1(228), 1993]

~~18.20.120 Conference center.~~ (NOT USED)

~~“Conference center” means an establishment developed primarily as a meeting facility, including facilities for recreation, overnight lodging and related activities provided for conference participants. [Ord. 28 § 1(228), 1993]~~

~~18.20.180 Earth station.~~ (NOT USED)

~~“Earth station” means a communication facility which transmits and/or receives signals to and from an orbiting satellite using satellite dish antennas. [Ord. 28 § 1(228), 1993]~~

~~18.20.240 Helistop.~~ (NOT USED)

~~“Helistop” means an area on a roof or on the ground used for the takeoff and landing of helicopters for the purpose of loading or unloading passengers or cargo, but not including fueling service, hangers, maintenance or overhaul facilities. [Ord. 28 § 1(228), 1993]~~

~~18.20.365 Private storm water management facility.~~ (NOT USED)

~~“Private storm water management facility” means a surface water control structure installed by a project proponent to retain, detain or otherwise limit runoff from an individual or group of developed sites specifically served by such a structure. [Ord. 28 § 1(228), 1993]~~

Chapter 18.25

PERMITTED USES

~~18.25.040~~ 19.05.065 Establishment of uses.

The use of a property is defined by the activity for which the building or lot is intended, designed, arranged, occupied or maintained. The use is considered permanently established when that use will or has been in continuous operation for a period exceeding 60 days. A use which will operate for less than 60 days is considered a temporary use, and subject to the requirements of ~~Chapter 18.80 BMC 19.75 of this title.~~ All applicable requirements of this code, or other applicable state or federal requirements, shall govern a use located in the incorporated city of Burien. [Ord. 28 § 1(327), 1993]

Chapter 18.35

~~DEVELOPMENT STANDARDS—DESIGN REQUIREMENTS~~

~~18.35.010 Purpose.~~ (NOT NEEDED—CHAPTER SPLIT INTO MANY SECTIONS)

~~The purpose of this chapter is to improve the quality of urban development by providing building and site design standards that:~~

- ~~(1) Reduce the visual impact of large residential buildings from adjacent streets and properties;~~
- ~~(2) Enhance the aesthetic character of large residential buildings; and~~
- ~~(3) Contain sufficient flexibility of standards to encourage creative and innovative site and building design. [Ord. 252 § 3, 1999; Ord. 28 § 1(358), 1993]~~

18.35.020 General layout standards. (NOT NEEDED—USED PRIMARILY FOR LARGE SUBDIVISIONS—NOT AN ISSUE IN BURIEN)

For residential developments in the UR and R zones:

- ~~(1) The maximum length of blocks shall be 1,320 feet; and~~
- ~~(2) Except for corner lots, lots for single detached dwellings shall not have street frontage along two sides unless one of said streets is a neighborhood collector street or an arterial street. [Ord. 28 § 1(359), 1993]~~

18.35.060 Attached dwellings and group residences—Applicability. (NOT NEEDED—BMC 19 ADDRESSES ACCESS, PARKING AND DESIGN STANDARDS)

~~The standards of BMC 18.35.070 through 18.35.090 shall apply to all new apartment developments exceeding four dwelling units, new townhouse development and new group residences except Class I Community Residential Facilities (“CRF-I”). Expansions of existing development that involve four or more dwelling units shall be subject to compliance with BMC 18.35.070 through 18.35.090. [Ord. 28 § 1(363), 1993]~~

18.35.070 Attached dwellings and group residences—Vehicular access and parking location. (NOT NEEDED—PARKING AND ACCESS COVERED BY BMC 19.20 AND CITY ROAD STANDARDS)

- ~~(1) On sites abutting an alley constructed to a width of at least 20 feet, apartment and townhouse development and all group residences except Class I Community Residential Facilities (“CRF-I”) shall have parking areas placed to the rear of buildings with primary vehicular access via the alley, except when waived by the board of adjustment due to physical site limitations.~~
- ~~(2) When alley access is provided, no additional driveway access from the public street shall be allowed except as necessary to access parking under the structure.~~
- ~~(3) When common parking facilities for attached dwellings and group residences exceed 30 spaces, no more than 50 percent of the required parking shall be permitted between the street property line and any building, except when authorized by the board of adjustment due to physical site limitations. [Ord. 28 § 1(364), 1993]~~

18.35.080 Attached dwellings and group residences—Building facade modulation. (ALREADY IN BMC 19)

~~Apartment and townhouse developments and all group residences shall provide building facade modulation on facades exceeding 60 feet in length and facing abutting streets or properties zoned RS. The following standards shall apply:~~

- ~~(1) The maximum wall length without modulation shall be 30 feet;~~
- ~~(2) The minimum modulation depth shall be three feet; and~~
- ~~(3) The minimum modulation width shall be eight feet. [Ord. 269 § 2, 1999; Ord. 28 § 1(365), 1993]~~

~~18.35.090 Attached dwellings and group residences — Roofline variation.~~ (ALREADY IN BMC 19)

~~Apartment and townhouse developments and all group residences shall provide roofline variation on rooflines exceeding 60 feet according to the following standards:~~

- ~~(1) The maximum roof length without variation shall be 30 feet;~~
- ~~(2) The minimum horizontal or vertical offset shall be three feet;~~
- ~~(3) The minimum variation length shall be eight feet; and~~
- ~~(4) Roofline variation shall be achieved using one or more of the following methods:~~
 - ~~(a) Vertical off-set in ridge line;~~
 - ~~(b) Horizontal off-set in ridge line;~~
 - ~~(c) Variations of roof pitch;~~
 - ~~(d) Gables;~~
 - ~~(e) False facades; or~~
 - ~~(f) Any other technique approved by the director that achieves the intent of this section. [Ord. 28 § 1(366), 1993]~~

19.17.250 ~~18.35.140~~ Mobile home parks – Standards for existing parks.

1. Mobile home parks established prior to February 28, 1993 ~~the effective date of this code~~ shall continue to be governed by all standards relating to density, setbacks, landscaping and off-street parking in effect at the time they were approved.
2. Placement of new accessory structures and replacement mobile homes, either standard or nonstandard, in these mobile home parks shall be governed by the dimensional standards in effect when the parks were approved, unless two or more replacement mobile homes are proposed to be installed adjacent to each other under the flexible setback option set forth in BMC 19.17.270 ~~18.35.170~~. Where internal setbacks are not specified, the average of the prevailing setbacks on the pads to either side of the proposed new or replacement structure shall apply.
3. No spaces or pads in an existing mobile home park shall be used to accommodate recreational vehicles (RVs), except when the spaces or pads were specifically for RVs at the time the park was established.
4. An existing mobile home park may be enlarged, provided the proposed enlargement meets the standards set forth in BMC 19.17.270 and 19.17.280. ~~18.35.160 and 18.35.170.~~
5. Only mobile homes meeting either the standards of the Washington State Department of Labor and Industries or the U.S. Department of Housing and Urban Development may be placed in a mobile home park in the city of Burien. [Ord. 28 § 1(371), 1993]

19.17.260 ~~18.35.150~~ Mobile home parks – Standards for new parks.

New mobile home parks shall be developed subject to the following standards:

1. A mobile home park shall be at least three acres in area;
2. Residential densities in a mobile home park shall be the base density of the zone in which the park is located;
3. Only mobile homes meeting either the standards of the Washington State Department of Labor and Industries or the U.S. Department of Housing and Urban Development may be placed in a mobile home park in the city of Burien;
4. A mobile home park shall be exempt from the building coverage and impervious surface limits set forth in Chapter 19.15 ~~48.30~~ BMC;
5. At least one of the off-street parking spaces required for each mobile home shall be located on or adjacent to each mobile home pad;
6. Internal roads and sidewalks shall provide access to each mobile home space and shall be constructed in accordance with the adopted city of Burien road standards for residential minor access streets;
7. There shall be a minimum of 10 feet of separation maintained between all mobile homes on the site, unless the flexible setback option set forth in BMC 19.17.270 ~~48.35.160~~ is used. Accessory structures shall be located no closer than:
 - A. Ten feet to mobile homes on adjacent spaces, unless constructed of noncombustible materials, in which case the minimum setback shall be five feet;
 - B. Five feet to accessory structures of mobile homes on adjacent spaces; and
 - C. Five feet to the mobile home or other accessory structures on the same space, except a carport or garage may be attached to the mobile home, and the separation may be waived when such structures are constructed of noncombustible materials;
8. All mobile homes and RVs supported by piers shall be fully skirted; and
9. A mobile home park may include a storage area for RVs owned by residents of the park, provided the storage area contains no utility hook-ups and no RV within the storage area shall be used as living quarters. [Ord. 269 § 3, 1999; Ord. 28 § 1(372), 1993]

19.17.270 ~~48.35.160~~ Mobile home parks – Alternative design standards.

As an alternative to the building separation and internal street standards of BMC 19.17.260 ~~48.35.150~~:

1. Building separation requirements or setbacks between mobile homes and accessory structures on adjacent spaces may be modified, provided:
 - A. The common walls meet the fire protection standards set forth in the ~~Uniform~~ International Building Code and the standards set forth in the ~~Uniform~~ International Fire Code for duplexes, multifamily and condominium developments, as applicable; and
 - B. Rental agreement clauses, by-laws or other legal mechanisms stipulate maintenance responsibilities for structures, fences and yards;
2. Private streets may be used with a minimum driving surface of 22 feet in width, provided:

- A. The streets comply in all other respects with the road standards;
- B. All required parking is located off-street and as specified in BMC Title 12 and BMC 19.20 18.35.150(5); and
- C. Such streets shall not:
 - i. Directly connect two or more points of vehicular access to the park; or
 - ii. Serve over 100 dwelling units within the park. [Ord. 28 § 1(373), 1993]

19.17.013 18.35.170 On-site recreation—Space required. Residential Recreation Space

1. Except when fees-in-lieu of commonly owned recreation space are provided pursuant to ~~BMC 18.35.200 through 18.35.230~~ this section, residential developments shall provide recreation space as follows:

- A. Residential subdivision developed at a density of eight units or less per acre – 390 square feet per unit; and
- B. Mobile home park – 260 square feet per unit.

2. Any recreation space located outdoors shall:

- A. Be of a grade and surface suitable for recreation;
- B. Be on the site of the proposed development;
- C. Contain at least 5,000 square feet in area; provided, that when more than one recreation space is proposed, only one of the proposed recreation spaces is required to meet the area requirement;
- D. Have no dimensions less than 30 feet (except trail segments);
- E. In single detached or townhouse subdivision development, have a street roadway or parking area frontage along 10 to 50 percent of the recreation space perimeter (except trail segments);
- F. Be centrally located and accessible and convenient to all residents within the development; and
- G. Be connected by trail or walkway to any existing or planned community park, public open space or trail system, which may be located on adjoining property.

3. Indoor recreation areas may be credited towards the total recreation space requirement when the city determines that such areas are located, designed and improved in a manner which provides recreational opportunities functionally equivalent to those recreational opportunities available outdoors. [Ord. 269 § 4, 1999; Ord. 252 § 3, 1999; Ord. 28 § 1(374), 1993]

18.35.180 On-site recreation—Play areas required.

4. All single detached subdivisions, ~~apartment, townhouse, and mixed use development, excluding senior citizen apartments,~~ shall provide tot/children play areas within the recreation space on-site, except when facilities are available within one-fourth mile that are developed as public parks or playgrounds and are accessible without the crossing of arterial streets.

5. If any play apparatus is provided in the play area, the apparatus shall meet Consumer Product Safety Standards for equipment, soft surfacing and spacing, and shall be located in an area that is:

- A. At least 400 square feet in size with no dimension less than 20 feet; and
- B. Adjacent to main pedestrian paths or near building entrances. [Ord. 28 § 1(375), 1993]

~~18.35.190 On-site recreation—Maintenance of recreation space or dedication.~~

6. Unless the recreation space is dedicated to the city of Burien pursuant to subsection 7, maintenance of any recreation space retained in private ownership shall be the responsibility of the owner or other separate entity capable of long-term maintenance and operation in a manner acceptable to the city of Burien.

7. The city of Burien may accept dedication of required recreation space ~~as defined in BMC 18.35.170(2)~~ as a public park when the following criteria are met:

- A. The dedicated area is at least 20 acres in size, except when adjacent to an existing or planned park; and
- B. The dedicated land provides one or more of the following:
 - i. Shoreline access,
 - ii. Regional trail linkages,
 - iii. Habitat linkages,
 - iv. Recreation facilities, or
 - v. Heritage sites. [Ord. 28 § 1(376), 1993]

~~18.35.200 On-site recreation—Fee in lieu of recreation space.~~

8. If on-site recreation space is not provided, the applicant shall pay a fee in lieu of actual recreation space. [Ord. 28 § 1(377), 1993]

~~18.35.210 On-site recreation—Acceptance criteria for fee in lieu of recreation space.~~

The city of Burien acceptance of this payment is discretionary and may be permitted if:

- A. The proposed on-site recreation space does not meet the criteria of BMC ~~18.35.170~~ (2)19.17.013.2; or
- B. The recreation space provided within a park in the vicinity will be of greater benefit to the prospective residents of the development. [Ord. 28 § 1(378), 1993]

~~18.35.220 On-site recreation—Determination of fee in lieu of space.~~

9. Fees provided in lieu of on-site recreation space shall be determined annually by the city of Burien on the basis of the typical market value of the recreation space prior to development.

10. Any recreational space provided by the applicant shall be credited towards the land area upon which the required fees are calculated. [Ord. 28 § 1(379), 1993]

~~18.35.230 On-site recreation—Collection and expenditure of fee in lieu of space.~~

11. The fee in lieu of recreation space shall be:

- A. Paid to the city of Burien at the time of:
 - i. Subdivision or short subdivision recording of single detached and townhouse developments, or
 - ii. Prior to issuance of building permits for all other residential or mixed use development;
- B. Used by the city of Burien for the acquisition and improvement of parks or public recreational facilities to serve the development; and
- C. Expended through council capital budget and program appropriations. [Ord. 28 § 1(380), 1993]

19.17.280 ~~18.35.240~~ Storage space and collection points for recyclables.

Developments shall provide storage space for the collection of recyclables as follows:

1. The storage space shall be provided at the rate of:

- A. One and one-half square feet per dwelling unit in multiple-dwelling developments except where the development is participating in a city-sponsored or approved direct collection program in which individual recycling bins are used for curbside collection;
- B. Two square feet per every 1,000 square feet of building gross floor area in office, educational and institutional developments;
- C. Three square feet per every 1,000 square feet of building gross floor area in manufacturing and other nonresidential developments; and
- D. Five square feet per every 1,000 square feet of building gross floor area in retail developments;

2. The storage space for residential developments shall be apportioned and located in collection points as follows:

- A. The required storage area shall be dispersed in collection points throughout the site when a residential development comprises more than one building;
- B. There shall be one collection point for every 30 dwelling units;
- C. Collection points may be located within residential buildings, in separate buildings/structures without dwelling units, or outdoors;
- D. Collection points located in separate buildings/structures or outdoors shall be no more than 200 feet from a common entrance of a residential building;
- E. Collection points shall be located in a manner so that hauling trucks do not obstruct pedestrian or vehicle traffic on-site, or project into any public right-of-way;

3. The storage space for nonresidential development shall be apportioned and located in collection points as follows:

- A. Storage space may be allocated to a centralized collection point;
- B. Outdoor collection points shall not be located in any required setback areas;
- C. Collection points shall be located in a manner so that hauling trucks do not obstruct pedestrian or vehicle traffic on-site, or project into any public right-of-way; and
- D. Access to collection points may be limited, except during regular business hours and/or specified collection hours;

4. The collection points shall be designed as follows:

- A. Dimensions of the collection points shall be of sufficient width and depth to enclose containers for recyclables;
- B. Architectural design of any structure enclosing an outdoor collection point or any building primarily used to contain a collection point shall be consistent with the design of the primary structure(s) on the site;
- C. Collection points shall be identified by signs not exceeding two square feet;
- D. A six-foot wall or fence shall enclose any outdoor collection point, excluding collection points located in industrial developments that are greater than 100 feet from residentially zoned property;
- E. Enclosures for outdoor collection points and buildings used primarily to contain a collection point shall have gate openings at least 12 feet wide for haulers. In addition, the gate opening for any building or other roofed structure used primarily as a collection point shall have a vertical clearance of at least 12 feet; and
- F. Weather protection of recyclables shall be ensured by using weather-proof containers or by providing a roof over the storage area;

5. Only recyclable materials generated on-site shall be collected and stored at such collection points. Except for initial sorting of recyclables by users, all other processing of such materials shall be conducted off-site.
[Ord. 28 § 1(381), 1993]

19.17.290 ~~18.35.250~~ Fences.

Fences are permitted as follows:

- 1. Fences exceeding a height of six feet shall comply with the applicable street and interior setbacks of the zone in which the property is located;
- 2. The height of a fence located on a rockery, retaining wall, or berm shall be measured from the top of the fence to the ground on the low side of the rockery, retaining wall, or berm;
- 3. When a protective fence is located on top of a rockery within the required setback area, any portion of the fence above a height of six feet shall be an open-work fence;

4. Electric fences shall:

A. Be permitted in all zones, provided that when placed within RS or RM zones, additional fencing or other barriers shall be constructed to prevent inadvertent contact with the electric fence from abutting property;

B. Comply with the following requirements:

i. An electric fence using an interrupted flow of current at intervals of about one second on and two seconds off shall be limited to 2,000 volts at 17 milliamp;

ii. An electric fence using continuous current shall be limited to 1,500 volts at seven milliamp;

iii. All electric fences in RS or RM zones shall be posted with permanent signs a minimum of 36 square inches in area at 50-foot intervals stating that the fence is electrified; and

iv. Electric fences sold as a complete and assembled unit can be installed by an owner if the controlling elements of the installation are certified by an ANSI-approved testing agency; and

5. Except as specifically required for the necessary security related to a nonresidential use, no barbed or razor-wire fence shall be located in any RS or RM zone. [Ord. 269 § 5, 1999; Ord. 28 § 1(382), 1993]

19.17.300 18.35.260 Trail corridors—Applicability.

1. Trail easements shall be provided by any development, except for single detached residential permits, when such developments are located within any community or regional trail corridor identified by an adopted ~~King County~~ Burien functional plan or Burien comprehensive plan identifying community and/or regional trail systems. [Ord. 28 § 1(383), 1993]

18.35.270 Trail corridors—Design standards.

2. Trail design shall be reviewed by the city of Burien for consistency with adopted standards for:

A. Width of the trail corridor;

B. Location of the trail corridor on the site;

C. Surfacing improvements; and

D. Use(s) permitted within the corridor. [Ord. 28 § 1(384), 1993]

18.35.280 Trail corridors—Maintenance of trail corridors/improvements.

3. Maintenance of any trail corridor or improvements, retained in private ownership, shall be the responsibility of the owner or other separate entity capable of long-term maintenance and operation in a manner acceptable to the parks division. [Ord. 28 § 1(385), 1993]

Chapter 19.70 18.70

DEVELOPMENT STANDARDS— ADEQUACY OF PUBLIC FACILITIES AND SERVICES

1948.70.010 Purpose.

The purpose of this chapter is to ensure that public facilities and services necessary to support development are adequate or will be provided in a timely manner consistent with the public facilities and services planning goal of the Washington State Growth Management Act of 1990 by:

1. Specifying the on-site and off-site facilities and services that must be in place or otherwise assured of timely provision prior to development;
2. Allocating the cost of those facilities and services fairly; and
3. Providing a general framework for relating development standards and other requirements of this code to:
 - A. Adopted service level standards for public facilities and services;
 - B. Procedural requirements for phasing development projects to ensure that services are provided as development occurs; and
 - C. The review of development permit applications. [Ord. 28 § 1(510), 1993]

1948.70.020 General requirements.

1. All new development proposals including any use, activity, or structure allowed by Chapter 19.15 BMC that requires the city of Burien approval shall be adequately served by the following facilities and services prior to the time of occupancy, plat recording, or other land use approval, as further specified in this chapter:
 - A. Sewage disposal;
 - B. Water supply;
 - C. Surface water management;
 - D. Roads and access;
 - E. Fire protection service; and
 - F. Schools.

2. Regardless of the number of sequential permits required, the provisions of this chapter shall be applied only once to any single development proposal. If changes and modifications result in impacts not considered when the proposal was first approved, the city shall consider the revised proposal as a new development proposal. [Ord. 269 § 20, 1999; Ord. 28 § 1(511), 1993]

1948.70.030 Adequate sewage disposal.

All new development shall be served by an adequate public or private sewage disposal system, including both collection and treatment facilities as follows:

1. A public sewage disposal system is adequate for a development proposal provided that:
 - A. For the issuance of a building permit, preliminary plat approval or other land use approval the site of the proposed development is served by an existing disposal system consistent with the Sewerage

General Plan, and the disposal system has been approved by the department as being consistent with applicable state and local design and operating guidelines;

B. For the issuance of a certificate of occupancy for a building or change of use permit, the approved public sewage disposal system as set forth in subsection (1)(a) of this section is installed to serve each building or lot;

C. For recording a final plat, final short plat or binding site plan the approved public sewage disposal system set forth in subsection 1.A of this section shall be installed to serve each lot respectively; or a bond or similar security shall be deposited with the city of Burien for the future installation of an adequate sewage disposal system. The bond may be assigned to a purveyor to assure the construction of such facilities within two years of recording; and

~~(d) For a zone reclassification or urban planned development permit, the timing of installation of required sewerage improvements shall be contained in the approving ordinance as specified in KCC 20.24.230; and~~

2. A private individual sewage system is adequate, if an on-site sewage disposal system for each individual building or lot is installed to meet the requirements and standards of the department of public health as to lot size, soils, and system design prior to issuance of a certificate of occupancy for a building or change of use permit. [Ord. 28 § 1(512), 1993]

1918.70.040 Adequate water supply.

All new development shall be served by an adequate public or private water supply system as follows:

1. A public water system is adequate for a development proposal provided that:

A. For the issuance of a building permit, preliminary plat approval or other land use approval, the applicant must demonstrate that the existing water supply system serving the site:

i. Complies with the applicable planning, operating and design requirements of Chapter 246-290 WAC; Chapters 14.42 and 14.44 KCC and KCC Title 17; Coordinated Water System Plans; KCC Title 12, KCC Title 13 and other applicable provisions of the rules and regulations of the King County board of health; and any limitation or condition imposed by the city-approved comprehensive plan of the water purveyor; and

ii. The proposed improvements to an existing water system have been reviewed by the department and determined to comply with the design standards and conditions specified in paragraph A of this subsection; or

iii. A proposed new water supply system has been reviewed by the department and determined to comply with the design standards and conditions specified in paragraph A of this subsection;

B. Prior to issuance of a certificate of occupancy for a building or change of use permit, the approved public water system and any system improvements set forth in subsection 1.A of this section shall be installed to serve each building or lot respectively; and

C. For recording a final plat, final short plat or binding site plan, either the approved public water supply system or system improvements set forth in subsection 1.A of this section shall be installed to serve each lot or a bond or similar security shall be deposited with the city of Burien and may be

assigned to a purveyor to assure the construction of required water facilities in Group A systems as defined by board of health regulations, within two years of recording; and

~~(d) For a zone reclassification or urban planned development permit, the timing of installation of required water system improvements shall be included in the approving ordinance as specified in KCC 20.24.230.~~

2. An on-site, individual water system is adequate and the plat or short plat may receive preliminary and final approval, and a building or change of use permit may be issued if:

~~(a) In an urban area:~~

A. The buildings or lots to be served are located outside of a city approved water purveyor service area; or

B. The water purveyor has indicated that service cannot be provided in compliance with the purveyor's approved comprehensive plan; and

C. The Seattle-King County department of public health has approved the proposed method of water supply in accordance with the applicable King County board of health rules and regulations and this section. The applicant shall provide appropriate information to demonstrate to the department and the Seattle-King County department of public health that a private individual water system will be adequate. The Seattle-King County department of public health may require installation of private individual water systems prior to final approval of a plat or short plat where information is insufficient to show an adequate water supply can be made available.

~~(b) In a rural area if the Seattle-King County department of public health has approved the proposed method of water supply in accordance with the applicable King County board of health rules and regulations and this section. The applicant shall provide appropriate information to demonstrate to the department and the Seattle-King County department of public health that a private individual water system will be adequate. The Seattle-King County department of public health may require installation of private individual water systems prior to final approval of a plat or short plat where information is insufficient to show an adequate water supply can be made available. [Ord. 28 § 1(513), 1993]~~

1918.70.050 Surface water management.

All new development shall be served by an adequate surface water management system as follows:

1. The proposed system is adequate if the development proposal site is served by a surface water management system approved by the Public Works department as being consistent with the design, operating and procedural requirements of the Surface Water Design Manual and ~~KCC Title 9~~ BMC Title 13;

~~(2) For a subdivision, zone reclassification or urban planned development, the phased installation of required surface water management improvements shall be stated in the approving ordinance as specified in KCC 20.24.230. Such phasing may require that a bond or similar security be deposited with the city of Burien; and~~

2. (3) A variance request from the requirements of the Surface Water Design Manual and ~~KCC Title 9~~ BMC Title 13 shall be reviewed as set forth in ~~KCC 9.04.050~~ BMC Title 13 and does not require a variance from this title ~~or BMC Title 19 unless relief is requested from a building height, setback, landscaping or other development standard set forth in Chapters 18.30 through 18.75 BMC or Chapter 19.15 BMC.~~ [Ord. 269 § 21, 1999; Ord. 28 § 1(514), 1993]

1948.70.060 Adequate roads.

1. All new development shall be served by adequate roads. Roads are adequate if the development's traffic impacts on surrounding public roads are acceptable under the level-of-service standards as stated in ~~BMC 48.70.060~~ this section and the compliance procedures established in ~~BMC 48.70.070 and 48.70.080~~ 19.70.070 and 19.70.080.
2. The renewal of permits or the issuance of a new permit for existing uses constitutes a new development proposal only if it will generate additional traffic above that currently generated by the use.
3. A variance request from ~~the road cross section or construction standards established by KCC Title 14, Roads and Bridges, BMC Title 12~~ shall be reviewed as set forth in ~~KCC 14.42.060 BMC Title 12~~ and does not require a variance from this title ~~or BMC Title 19 unless relief is requested from a building height, setback, landscaping or other development standard set forth in Chapters 18.30 through 18.75 BMC or Chapter 19.15 BMC.~~ [Ord. 269 § 22, 1999; Ord. 28 § 1(515), 1993]

1948.70.070 Adequate roads – Road capacity level of service (“LOS”) standard.

The following calculated level-of-service standards shall be considered adequate and shall apply to all public roads:

1. LOS standard E for First Avenue South;
2. LOS standard D within the urban center boundary, as shown in Figure 2LU-1.11 of the Comprehensive Plan;
3. LOS standard D for the intersection of SW 128th Street and Ambaum Boulevard SW;
4. As mandated by state law, the city of Burien adopts LOS “D” for SR-509 and SR-518 (highways of statewide significance) and an LOS of “E/mitigated” for the segment of SR-509 from First Avenue South to the Burien city limits (highway of regional significance), or whichever LOS is currently adopted by the Washington State Department of Transportation;
5. LOS standards C for all other roadway facilities and services. [Ord. 431 § 1, 2005; Ord. 28 § 1(516), 1993]

1948.70.080 Adequate roads – Applicability of capacity standard.

The road adequacy standards as stated in ~~BMC 48.70.070~~ 19.70.070 shall apply to all public county, city or state roads, other than freeways; provided, that no improvements to state roads shall be required unless the state requests such improvements and there is an agreement between the state, city and applicant. [Ord. 431 § 1, 2005; Ord. 28 § 1(517), 1993]

1948.70.090 Adequate roads – General conditions.

1. A development proposal which will have a direct traffic impact on a roadway or intersection which results in a calculated level of service worse than set forth in ~~BMC 48.70.070~~ 19.70.070 shall not be approved unless:
 - A. All transportation facilities are adequate at the time of development and transportation impacts will not negatively impact or reduce LOS elsewhere in the city; or
 - B. Funding is in place to complete the necessary improvements or strategies to accommodate transportation impacts within six years. Improvements are considered funded only when:

- i. Incorporated into the adopted city budget, or
- ii. Upon grant agreement, or
- iii. The applicant agrees to fund needed improvements, or
- iv. Upon a legally enforceable mechanism, such as a local improvement district, or
- v. Some combination of the above; or

C. The applicant phases the project or uses transportation demand management (“TDM”) techniques to reduce the number of peak hour trips generated by the project to attain the LOS required in BMC ~~48.70.070~~ 19.70.070 or better; or

D. The city of Burien has established a date for final approval of subdivisions ~~and urban plan developments~~ to become effective corresponding with the anticipated date of award of a construction contract for county, city, or state improvements needed to provide LOS D or better, or when the calculated nonproject LOS is E or F, to provide LOS E or better; provided such effective approval date may be established only when the anticipated date of award of construction contract is within 12 months of final approval; or

E. The roadway or intersection has already been improved to its ultimate roadway section and the applicant agrees to use TDM incentives and/or phase the development proposal as determined by the city of Burien.

2. Developments proposed which will have a direct impact on city traffic facilities or designated areas pursuant to BMC ~~48.70.080~~ 19.70.080 may attain the LOS specified in the adopted interlocal agreements rather than meeting BMC ~~48.70.070~~ 19.70.070 . [Ord. 431 § 1, 2005; Ord. 28 § 1(518), 1993]

~~48.70.120~~ 19.70.100 Adequate vehicular access.

All new development shall be served by adequate vehicular access as follows:

1. The property upon which the development proposed is to be located has direct access to:

A. A public or private street that meets city road standards or is formally declared acceptable by the city road engineer; or

B. The property has access to such a street over a private driveway approved by the city;

2. The proposed circulation system of a proposed subdivision, short subdivision or binding site plan shall intersect with existing and anticipated streets abutting the site at safe and convenient locations, as determined by the department and the city road engineer; and

3. Every lot upon which one or more buildings is proposed to be erected or traffic generating use is proposed to be established, shall establish safe access as follows:

A. Safe passage from the street right-of-way to building entrances for transit patrons and other pedestrians, in accordance with the design standards set forth in ~~Chapter 18.45~~ BMC 19.20;

B. Direct access from the street right-of-way, fire lane or a parking space to any part of the property as needed to provide public services in accordance with adopted standards (e.g., fire protection, emergency medical service, mail delivery or trash collection); and

C. Direct access from the street right-of-way, driveway, alley or other means of ingress/egress approved by the city of Burien, to all required off-street parking spaces on the premises. [Ord. 28 § 1(521), 1993]

~~18.70.130~~ 19.70.110 Adequate fire protection.

All new development shall be served by adequate fire protection as set forth below:

1. The site of the development proposed is served by a water supply system that provides at least minimum fire flow and a road system or fire lane system that provides life safety/rescue access, and other fire protection requirements for buildings as required by the fire code and UBC International Codes, building and construction standards;

~~(2) For a zone reclassification or urban planned development, the timing of installation of required fire protection improvements shall be stated in the approving ordinance as specified in the fire code, secured with a bond or similar security, and deposited with the city of Burien; and~~

2. A variance request from the requirements established by the fire code, shall be reviewed as set forth in Article 2 of the currently adopted edition of the Uniform Fire Code the fire code and does not require a variance from this title ~~unless relief is requested from a building height, setback, landscaping or other development standard set forth in Chapters 18.30 BMC through 18.75 BMC.~~ [Ord. 28 § 1(522), 1993]

~~18.70.140 School concurrency—Applicability and relationship with fees.~~

~~(1) The concurrency standard set out in BMC 18.70.160 shall apply to applications for preliminary plat or UPD approval which would result in the creation of new residential building lots or mobile home parks or the construction of new dwelling units, requests for multifamily zoning, and building permits for multifamily housing projects which have not been previously evaluated for compliance with the concurrency standard.~~

~~(2) The city's finding of concurrency shall be made at the time of preliminary plat or urban planned development approval, at the time that a request to actualize potential multifamily zoning is approved, or prior to building permit issuance for multifamily housing projects which have not been previously established for compliance with the concurrency standard. Once such a finding has been made, the development shall be considered as vested for purposes of the concurrency determination.~~

~~(3) Excluded from the application of the concurrency standard are building permits for individual single family dwellings, any form of housing exclusively for the elderly, including nursing homes and retirement centers. Also excluded from the application of the concurrency standard are shelters for temporary placement, relocation facilities and transitional housing facilities. Replacement reconstruction or remodeling of existing dwelling units is not subject to the provisions of this chapter.~~

~~(4) Also excluded from the application of the concurrency standard set out in this chapter are:~~

~~(a) Short subdivisions;~~

~~(b) Building permits for residential units in preliminary planned unit developments which were under consideration by the city of Burien or King County on January 22, 1991;~~

~~© Building permits for residential units in recorded planned unit developments approved pursuant to the zoning code that have not yet expired;~~

~~(d) Building permits applied for by December 31, 1993, related to rezone applications to actualize potential zoning which were under consideration by the city of Burien or King County on January 22, 1991;~~

~~(e) Building permits applied for by December 31, 1993, related to residential development proposals for site plan review to fulfill P Suffix requirements of multifamily zoning which were under consideration by the city of Burien or King County on January 22, 1991; and~~

~~(f) Any residential building permit for any development proposal for which a concurrency determination has already been made pursuant to the terms of this chapter or the zoning code.~~

~~(5) All of the development activities which are excluded from the application of the concurrency standard are subject to school impact fees imposed pursuant to KCC Title 27.~~

~~(6) The assessment and payment of impact fees are governed by and shall be subject to the provisions in KCC Title 27 addressing school impact fees.~~

~~(7) A certification of concurrency for a school district shall not preclude the city from collecting impact fees for the district. Impact fees may be assessed and collected as long as the fees are used to fund capital and system improvements needed to serve the new development, and as long as the use of such fees is consistent with the requirements of Chapter 82.02 RCW and this chapter. Pursuant to Chapter 82.02 RCW, impact fees may also be used to recoup capital and system improvement costs previously incurred by a school district to the extent that new growth and development will be served by the previously constructed improvements or incurred costs. [Ord. 28 § 1(523), 1993]~~

18.70.150 Findings, recommendations, and decisions regarding school capacities.

~~(1) The director and/or the planning commission, in the course of reviewing proposals for residential development including applications for plats or UPDs, or multifamily zoning, and multifamily building permits, shall consider the school district's capital facilities plan.~~

~~(2) Documentation which the district is required to submit pursuant to KCC Title 20 shall be incorporated into the record in every case without requiring the district to offer such plans and data into the record. The school district is also authorized to present testimony and documents demonstrating a lack of concurrency in the district and the inability of the district to accommodate the students to be generated by a specific development.~~

~~(3) Based upon a finding that the impacts generated by the plat, the UPD or the multifamily development were generally not anticipated at the time of the last council review and approval of a school district capital plan and were not included in the district's long-range forecast, the director may require or recommend phasing or provision of the needed facilities and/or sites as appropriate to address the deficiency or deny or condition approval, consistent with the provisions of this chapter, the State Subdivision Act, and the State Environmental Policy Act.~~

~~(4) Determinations of the planning commission or director regarding concurrency can be appealed only pursuant to the provisions for appeal of the development permit process for which the determination has been made. Where no other administrative appeal process is available, an appeal may be taken to the board of~~

adjustment using the appeal procedures for variances. Any errors in the formula identified as a result of an appeal should be referred to the council for possible modifications.

~~(5) Where the council has not adopted an impact fee ordinance for a particular school district, the language of this section shall not affect the authority or duties of the examiner or the director pursuant to the State Environmental Policy Act or the State Subdivision Act. [Ord. 28 § 1(524), 1993]~~

~~18.70.160 School concurrency standard.~~

~~(1) Schools shall be considered to have been provided concurrently with the development which will impact the schools if:~~

~~(a) The permanent and interim improvements necessary to serve the development are planned to be in place at the time the impacts of development are expected to occur; or~~

~~(b) The necessary financial commitments are in place to assure the completion of the needed improvements to meet the district's standard of service within three years of the time that the impacts of development are expected to occur. Necessary improvements are those facilities identified by the district in its capital facilities plan as reviewed and adopted by the city of Burien.~~

~~(2) Any combination of the following shall constitute the "necessary financial commitments" for the purposes of subsection (1):~~

~~(a) The district has received voter approval of and/or has bonding authority;~~

~~(b) The district has received approval for federal, state, or other funds;~~

~~(c) The district has received a secured commitment from a developer that the developer will construct the needed permanent school facility, and the school district has found such facility to be acceptable and consistent with its capital facilities plan; and/or~~

~~(d) The district has other assured funding, including but not limited to school impact fees which have been paid.~~

~~(3) Compliance with this concurrency requirement of this section shall be sufficient to satisfy the provisions of RCW 58.17.060 and 58.17.110. [Ord. 28 § 1(525), 1993]~~

~~18.70.170 Interim period.~~

~~(1) During the interim period prior to the school capacity technical review committee completing its review of a district's plans and the city incorporating the plan into the city comprehensive plan, districts shall submit the following materials to the hearing examiner and director:~~

~~(a) A copy of the Inventory of Permanent School Facilities prepared by the Superintendent of Public Instruction which identifies the number of classrooms at each of the schools by grade span and by type of student;~~

~~(b) Documentation of the number of other classrooms available in the district which the district believes will best serve its student population; and~~

~~© Based on the information in paragraphs (a) and (b) of this subsection, a resolution of the school board adopting an interim estimate of the district's overall capacity over the next six years, which shall be a function of the district's standard of service, by the number of students which can be housed in district facilities.~~

~~(2) Until such time as the committee is able to conduct the review required by KCC 21.61.065, the planning commission and the director shall be guided by the interim capacity submitted by the district and adopted by the school board in making finds of concurrency.~~

~~(3) In the event that the planning commission or the director finds that the district's interim capacity is unreasonable based on the standards identified in KCC 21.61.065 or Title 20, the planning commission or the director shall request the council to review the interim capacity consistent with the requirements of KCC 21.61.070 or Title 20.~~

~~(4) Determinations of the planning commission or director may be appealed to the council pursuant to the provisions for appeal of the underlying permit process. [Ord. 28 § 1(526), 1993]~~

~~18.70.180 Credit for improvements.~~

~~Whenever a development is granted approval subject to a condition that the development proponent actually provide a school facility acceptable to the district, the development proponent shall be entitled to a credit for the actual cost of providing the facility, against the fee that would be chargeable under the formula provided by KCC Title 27. The cost of construction shall be estimated at the time of approval, but must be documented and the documentation confirmed after the construction is completed to assure that an accurate credit amount is provided. If construction costs are less than the calculated fee amount, the difference remaining shall be chargeable as a school impact fee. [Ord. 28 § 1(527), 1993]~~

~~Chapter 18.80~~

~~GENERAL PROVISIONS—NONCONFORMANCE, TEMPORARY USES AND RE-USE OF FACILITIES~~ BMC 19.75 Temporary Use Permits

~~18.80.100~~ 19.75.010 Temporary use permits— Uses requiring temporary use permits.

Except as provided by BMC ~~18.80.070~~ 19.75.020, a temporary use permit shall be required for:

1. Uses not otherwise permitted in the zone that can be made compatible for periods of limited duration and/or frequency; or
2. Limited expansion of any use that is otherwise allowed in the zone but which exceeds the intended scope of the original land use approval. [Ord. 28 § 1(546), 1993]

~~18.80.110 Temporary use permits—~~ 19.75.020 Exemptions to permit requirement.

1. The following uses shall be exempt from requirements for a temporary use permit when located in the CN, CI, CC, CR, DC-1, ~~DC-2~~, SPA-1, SPA-3, O, AI or I zones for the time period specified below:

A. Uses not to exceed a total of 30 days each calendar year:

- i. Christmas tree lots; and
- ii. Produce stands.

B. Uses not to exceed a total of 14 days each calendar year:

- 30 -

- i. Amusement rides, carnivals, or circuses;
- ii. Community festivals; and
- iii. Parking lot sales.

2. Any use not exceeding a cumulative total of two days each calendar year shall be exempt from requirements for a temporary use permit.

3. Any community event held in a public park and not exceeding a period of seven days shall be exempt from requirements for a temporary use permit.

4. The city may revoke or suspend a permit if circumstances under which the permit was issued are no longer present or the conditions of the permit are violated. Any appeal of such a revocation or suspension, or denial of the initial application, shall be to the city manager or a designee. [Ord. 269 § 23, 1999; Ord. 50 §§ 2, 3, 1993; Ord. 28 § 1(547), 1993]

~~18.80.120 Temporary use permits~~ — 19.75.030 Duration and frequency.

Temporary use permits shall be limited in duration and frequency as follows:

- 1. The temporary use permit shall be effective for 180 days from issuance;
- 2. The temporary use shall not exceed a total of 60 days, provided that this requirement applies only to the days that multiple or nonsuccessive event(s) actually take place;
- 3. The temporary use permit shall specify a date upon which the use shall be terminated and removed; and
- 4. A temporary use permit shall not be granted for the same temporary use on a property more than once per calendar year provided that a temporary use permit may be granted for multiple events over a maximum 180-day period. [Ord. 28 § 1(548), 1993]

~~18.80.130 Temporary use permits~~ — 19.75.040 Parking and traffic control.

1. Parking and access for proposed temporary uses shall be approved by the city. [Ord. 28 § 1(549), 1993]

~~18.80.140 Temporary use permits~~ — ~~Traffic control.~~

2. The applicant for a proposed temporary use shall provide any parking/traffic control attendants as specified by the ~~King County department of public safety~~ City. [Ord. 28 § 1(550), 1993]

~~18.80.150~~ 19.75.050 Temporary construction buildings.

Temporary structures for storage of tools and equipment, or for supervisory offices may be permitted for construction projects, provided that such structures are:

- 1. Allowed only during periods of active construction; and
- 2. Removed within 30 days of project completion or cessation of work. [Ord. 28 § 1(551), 1993]

~~18.80.160~~ 19.75.060 Temporary construction residence.

1. A mobile home may be permitted on a lot as a temporary dwelling for the property owner, provided a building permit for a permanent dwelling on the site has been obtained.
2. The temporary mobile home permit shall be effective for a period of 12 months. The permit may be extended for one additional period of 12 months if the permanent dwelling is constructed with a finished exterior by the end of the initial approval period.
3. The mobile home shall be removed within 90 days of:
 - A. The expiration of the temporary mobile home permit; or
 - B. The issuance of a certificate of occupancy for the permanent residence, whichever occurs first.

~~18.80.170~~ 19.75.070 Temporary mobile home for medical hardship.

1. A mobile home may be permitted as a temporary dwelling on the same lot as a permanent dwelling, provided:
 - A. The applicant demonstrates the temporary dwelling is necessary to provide daily care to an individual certified by a physician as needing such care;
 - B. The primary provider of daily care shall reside on-site; and
 - C. The mobile home together with the permanent residence shall meet the setback, height, building footprint, and lot coverage provisions of the applicable zone.
2. Temporary mobile home permits for medical hardships shall be effective for 12 months. Extensions of the temporary mobile home permit may be approved in 12-month increments subject to demonstration of continuing medical hardship.
3. The mobile home shall be removed within 90 days of:
 - A. The expiration of the temporary mobile home permit; or
 - B. The cessation of provision of daily care. [Ord. 28 § 1(553), 1993]

~~18.80.180~~ 19.75.080 Temporary real estate offices.

One temporary real estate office may be located on any new residential development, provided that activities are limited to the initial sale or rental of property or units within the development. The office use shall be discontinued within one year of recording of a subdivision or short subdivision or issuance of a final certificate of occupancy apartment development. [Ord. 28 § 1(554), 1993]

~~18.80.190 Re-use of facilities — General standards.~~

~~The interim or permanent re-use of surplus nonresidential facilities in residential zoned areas shall require that no more than 50 percent of the original floor area may be demolished for either permanent or interim re-use of facilities. [Ord. 28 § 1(555), 1993]~~

~~18.80.200 Re-use of facilities — Re-establishment of closed public school facilities.~~

~~The re-establishment or reconversion of an interim nonschool use of school facilities back to school uses shall require a site plan and the issuance of a change of use permit pursuant to Chapter 16.04 KCC. [Ord. 28 § 1(556), 1993]~~

~~18.80.210~~ Re-use of facilities — Standards for conversion of historic buildings.

~~In order to insure that significant features of the property are protected pursuant to Chapter 20.62 KCC, the following standards shall apply to conversion of historic buildings:~~

- ~~(1) Gross floor area of building additions or new buildings required for the conversion shall not exceed 20 percent of the gross floor area of the historic building, unless allowed by the zone;~~
- ~~(2) Conversions to apartments shall not exceed one dwelling unit for each 3,600 square feet of lot area, unless allowed by the zone; and~~
- ~~(3) Any construction required for the conversion shall require certification of appropriateness from the King County Landmark Commission. [Ord. 28 § 1(557), 1993]~~

~~18.105.030~~ 19.75.090 Temporary use permit.

A temporary use permit shall be granted by the city, only if the applicant demonstrates that:

1. The proposed temporary use will not be materially detrimental to the public welfare;
2. The proposed temporary use is compatible with existing land use in the immediate vicinity in terms of noise and hours of operation;
- ~~(3) The proposed temporary use, if located in a resource zone, will not be materially detrimental to the use of the land for resource purposes and will provide adequate off-site parking if necessary to protect against compacting soils;~~
3. Adequate public off-street parking and traffic control for the exclusive use of the proposed temporary use can be provided in a safe manner; and
4. The proposed temporary use is not otherwise permitted pursuant to BMC ~~48.80.400~~ 19.75.010 in the zone in which it is proposed. [Ord. 28 § 1(608), 1993]

Chapter ~~18.110~~ 19.80 ENFORCEMENT

~~18.110.010~~ 19.80.010 Purpose.

The purpose of this chapter is to promote compliance with this title by establishing enforcement authority, defining violations, and setting standards for initiating the procedures set forth in ~~KCC Title 23, Enforcement~~ BMC 8.45, when violations of this title occur. [Ord. 28 § 1(614), 1993]

~~18.110.020~~ 19.80.020 Authority and application.

The director is authorized to enforce the provisions of this code, ~~any implementing administrative rules adopted under Chapter 2.98 KCC, Administration,~~ and approval conditions attached to any land use approval, through revocation or modification of permits, or through the enforcement, penalty and abatement provisions of ~~KCC Title 23, Enforcement~~ BMC 8.45. [Ord. 28 § 1(615), 1993]

~~18.110.030~~ 19.80.030 Violations defined.

No building permit or land use approval in conflict with the provisions of this title shall be issued. Structures or uses which do not conform to this title, except legal nonconformances specified in BMC ~~Chapter 18.80~~ 19.55 and approved variances, are violations subject to the enforcement, penalty and abatement provisions of ~~KCC Title 23~~ BMC 8.45, including but not limited to:

1. Establishing a use not permitted in the zone in which it is located;
2. Constructing, expanding or placing a structure in violation of setback, height and other dimensional standards in this title;
3. Establishing a permitted use without complying with applicable development standards set forth in other titles, ordinances, rules or other laws, including but not limited to, road construction, surface water management, the Fire Code, and rules of the department of public health;
4. Failing to carry out or observe conditions of land use or permit approval, including contract development standards;
5. Failing to secure required land use or permit approval prior to establishing a permitted use; and
6. Failing to maintain site improvements, such as landscaping, parking or drainage control facilities as required by this code or other city of Burien ordinances. [Ord. 28 § 1(616), 1993]

~~18.110.040~~ 19.80.040 Permit suspension, revocation or modification.

1. Permit suspension, revocation or modification shall be carried out through the procedures set forth by the city council of the city of Burien. Any permit, variance, or other land use approval issued by the city of Burien pursuant to this title may be suspended, revoked or modified on one or more of the following grounds:

- A. The approval was obtained by fraud;
- B. The approval was based on inadequate or inaccurate information;
- C. The approval, when given, conflicted with existing laws or regulations applicable thereto;
- D. An error of procedure occurred which prevented consideration of the interests of persons directly affected by the approval;
- E. The approval or permit granted is being exercised contrary to the terms or conditions of such approval or in violation of any statute, law or regulation;
- F. The use for which the approval was granted is being exercised in a manner detrimental to the public health or safety;
- G. The holder of the permit or approval interferes with the director or any authorized representative in the performance of his or her duties; or
- H. The holder of the permit or approval fails to comply with any notice and order issued by the city of Burien.

2. Authority to revoke or modify a permit or land use approval shall be exercised by the issuer, as follows:

A. The council may, after a recommendation from the hearing examiner, revoke or modify any ~~residential density incentive approval, transfer of development credit, urban planned development, Type 3 land use approval or preliminary subdivision, zone reclassification or special use permit;~~

B. The hearing examiner may revoke or modify any ~~variance or conditional use permit~~ Type 2 land use approval, provided that if it was reviewed through a public hearing, a new public hearing shall be held on its revocation or modification; and

C. The director may revoke or modify any permit or other land use approval issued by the director.
[Ord. 61, 1993; Ord. 28 § 1(617), 1993]

~~18.110.050~~ 19.80.050 Initiation of revocation or modification proceedings.

1. The city council of the city of Burien may suspend any permit, variance or land use approval issued by any city of Burien issuing agency and processed by the department of community development pending its revocation or modification, or pending a public hearing on its revocation or modification;

2. The issuing agency may initiate proceedings to revoke or modify any permit or land use approval it has issued; and

3. Persons who are aggrieved may petition the issuing agency to initiate revocation or modification proceedings, and may petition the director to suspend a permit, variance or land use approval pending a public hearing on its revocation or modification. [Ord. 28 § 1(618), 1993]

~~Chapter 18.120~~ BMC 19.85 HISTORIC PRESERVATION

~~18.120.010~~ 19.85.010 Purpose.

The purposes of this chapter are to:

1. Designate and protect those sites, buildings, districts, structures and objects which reflect significant elements of the city of Burien's, the county's, the state's, and the nation's cultural, aesthetic, social, economic, political, architectural, ethnic, archaeological, engineering, historic, and other heritage;

2. Foster civic pride in the beauty and accomplishments of the past;

3. Stabilize and improve the economic values and vitality of landmarks;

4. Protect and enhance the city of Burien's tourist industry by promoting heritage-related tourism;

5. Promote the continued use, exhibition and interpretation of significant sites, districts, buildings, structures, and objects for the education, inspiration, and welfare of the people of the city of Burien;

6. Promote and continue incentive for ownership and utilization of landmarks;

7. Assist, encourage and provide incentive to public and private owners for preservation, restoration, rehabilitation, and use of landmark buildings, sites, districts, structures, and objects;

8. Work cooperatively with other jurisdictions to identify, evaluate, and protect historic resources in furtherance of the purposes of this chapter. [Ord. 130 § 1, 1995]

~~18.420.020~~ 19.85.020 City of Burien landmarks.

The following is a list of currently identified significant sites, districts, buildings, structures, and objects within the city of Burien.

1. Highline High School, 251 SW 152nd Street ~~Southwest~~;
2. Sunnydale School, 15631 8th Avenue South;
3. Subdivision 44, 7th Avenue South, 128th Street to S. 132nd Street ~~South~~;
- ~~(4) Cedarhurst Elementary, 611 S. 132nd Street South;~~
4. Brick Commercial Structure, 658 S. 152nd Street ~~Avenue South~~;
5. Derion House, 505 S. 150th Street ~~South~~;
6. Dodd Homestead, 606 S. 140th Street ~~South~~;
7. Pacific Telephone Building, 14605 8th Avenue South;
8. Pollock House, 624 S. 152nd Street ~~South~~;
9. YMCA House, 17874 Des Moines Way South; and
10. Crosby House, 14628 8th Avenue South. [Ord. 130 § 1, 1995]

~~18.420.030~~ 19.85.020 Limit on noise impacts to significant sites, districts, buildings, structures, and objects.

Significant sites, districts, buildings, structures, and objects shall not be subject to adverse land uses which generate exterior noise exposure levels exceeding 55 dbA Ldn. [Ord. 130 § 1, 1995]

~~18.420.040~~ 19.85.030 Requirement for noise mitigation plan.

Proponents of projects which will increase exterior noise levels to which significant sites, districts, buildings, structures, and objects are exposed above an Ldn of 55 dbA must submit a noise mitigation plan to the city of Burien department of community development for review and approval before required permits are issued to allow the project to proceed. The city manager, with the assistance of the director of the department of community development, is authorized and directed to develop criteria for such review and approval. Such criteria shall be available in writing to applicants and shall, at minimum, require that the best available technology be employed to achieve no more than the maximum allowable noise standard set forth in this section. [Ord. 130 § 1, 1995]